

REMARKS

Claim 21 is canceled without prejudice, and therefore claims 16 to 20, 22 and 23 are currently pending and being considered (since claims 24 to 31 were previously withdrawn in response to a restriction response).

Reconsideration of the application is respectfully requested based on the following remarks.

Applicants thank the Examiner for indicating that claims 20 and 21 contain allowable subject matter. While the objections (and underlying rejections) may not be agreed with, to facilitate matters, claim 16 has been rewritten to include the features of claim 21, which has been canceled without prejudice. Claim 20 has been rewritten to include the features of original claim 16. Accordingly, claims 16 to 20, 22 and 23 are allowable. It is therefore respectfully requested that the objections be withdrawn as to claims 20 and 21.

Claims 16 to 19, 22 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Werner et al., U.S. Patent No. 6,725,725 in view of Artmann et al., U.S. Published Patent Application No. 2003/0127699.

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria may be satisfied. First, there may be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Still further, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature and it should also provide a motivation or suggestion for combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)). Thus, the “problem confronted by

the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem”, Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998).

While the rejections may not be agreed with, to facilitate matters, claim 16 has been rewritten to include the features of claim 21, which has been canceled without prejudice, so that claim 16 and its dependent claims. Claim 20 has been rewritten to include the features of original claim 16. Accordingly, claims 16 to 20, 22 and 23 are allowable. It is therefore respectfully requested that the rejections be withdrawn as to claims 16 to 19, 22 and 23.

Accordingly, claims 16 to 20, 22 and 23 are allowable.

CONCLUSION

Applicants respectfully submit that all of pending claims 16 to 20, 22 and 23 of the present application are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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